

FILED

JUL 21 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

IGNACIA CASTRO-DE MORALES,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-75133

Agency No. A77-296-285

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 17, 2006^{**}

Before: B. FLETCHER, HAWKINS and THOMAS, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' August 10, 2005 order affirming the immigration judge's finding that petitioner is removable as an alien smuggler under 8 U.S.C. § 1182(a)(6)(E)(i). Respondent's

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

05-75133

motion to remand this petition for review to the Board of Immigration Appeals (Board) to permit the Board to reconsider its decision in light of our holding in *Hernandez-Guadamarra v. Ashcroft*, 394 F.3d 674 (9th Cir. 2005) is granted. On remand, the parties shall be permitted to submit supplemental briefs addressing our holding in *Hernandez-Guadamarra* to the Board.

Petitioner's removal is stayed pending the Board's decision on remand.

PETITION FOR REVIEW GRANTED and REMANDED for further proceedings.